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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,136	12/08/1998	DARRYN MCDADE	97-S-159	6383

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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.2621

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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/207,136

Applicant(s)

MCDADE ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-20, 25-27 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-20, 25-27 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 August 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 4-7, 8, 11-17, 19-20, 25-27, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al (5,963,704) in view of Mincer (5,262,875) and Kolluru et al (6,122,619).

Regarding claims 1 and 20 and 25, Mimura discloses a digital audio/video decoder (Fig. 1) comprising a file reader capable of obtaining any of one or more encoded audio/video data streams from a data source utilizing a file system (Fig. 6 column 11, lines 55 to column 12 line 12); a file navigator (video manager) enabling selection of a particular file on the data source and instructing a file reader to obtain a selected encoded audio/video data stream from the data source (column 7, line 50 to column 8, line 17, column 37, line 65 to column 38, line 20); and a splitter (54) separating the encoded AV data stream into one or more component data streams; and a decoding means (58), (60, 62) for decoding and converting the one or more component data streams into three or more renderable signals including at least one audio signal and at least two video signals (Figs. 77 and 80, column 10, lines 59 to column 11, line 20).

Mimura fails to teach using a reprogrammable proxy filter for decoding the audio and video data. Mincer teaches a playback apparatus utilizing a file system using a reprogrammable decoder operating with video and audio data coded with any coding standard for decoding the video and audio data (column 5 lines 34-37, column 6, line 15-60). It would have been obvious to

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one of ordinary skill in the art to modify Mimura with Mincer by providing the apparatus of Mimura with a reprogrammable decoder as taught by Mincer thereby enhancing the capacity of Mimura apparatus in decoding the video and audio data .

Mimura as modified with Mincer fails to specifically teach the decoder capable of decoding audio data having a standard that is different from a video standard .Kolluru teaches a programmable decoder that can decode audio data having standard being different from a video data standard (Figs. 4-6, Abstract). It would have been obvious to one of ordinary skill in the art to modify Mimura as modified with Mincer with Kolluru by using a programmable decoder as taught by Kolluru with the apparatus of Mimura for decoding audio data having a standard being different from a video standard thereby enhancing the capacity of the Mimura apparatus

Further for claim 25, Mimura teaches a DVD (Fig. 1 mixing means for mixing the video with subpicture data (column 40, 62 to column 41, line 10).

Regarding claims 2 and 26, Mimura as modified with Mincer further teaches using a user interface connected to the file navigator for selecting a file containing the encoded AN data stream to be obtained (See Mimura, (column 7, line 50 to column 8, line 17, column 37, line 65 to column 38, line 20, Mincer column 8, lines 1-10)

Regarding claim 3, Mimura further teaches that the user interface comprises more than one predefined function for selecting an AV signal to be

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obtained (column 7, line 50 to column 8, line 17, column 37, line 65 to column 38, line 20).

Regarding claim 4 and 27, Mimura further teaches predefined functions including play, pause, menu, stop, previous, and next.(Figs 4,5).

Regarding claim 5, Mimura further teaches a video stream ,an audio data stream a sub-picture data stream, and a navigation data stream (Figs. 6-8).

Regarding claim 6, Mimura as modified with Mincer further teaches selecting the file containing the encoded AN data stream to be obtained according to one or more selection signals received from the user interface (See Mimura (Fig. 79-80) .

Regarding claim 7, Mimura as modified with Mincer teaches the decoder can be updated by using software since Miner teaches decode is reprogrammable decoder (column 5, lines 33-37, column 6 line 55-60).

Regarding claim 8,Mimura further teaches data are MPEG data (column 24, lines 25-35).

Regarding claim 11, Mimura further teaches decoding and converting a component data stream that conforms to a Dolby AC-3 coding standard; and decoding and converting a component data stream that conforms to a PCM coding standard (column 33 lines 15-21).

Regarding claims 12-13, and 31, Mimura as modified with Mincer teaches decoder can be updated by using software since Miner teaches decode is reprogrammable decoder (column 5, lines 33-37, column 6 line 55-60).

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Regarding claims 14-16 and 32, Mimura as modified with Mincer further teaches a renderable audio signal; a renderable sub-picture signal; a mixer; and a reprogrammable proxy filter for synchronizing the signals (column 10, line 59 to column 11, line 22, Fig. 1).

Regarding claim 17, Mimura teaches audio render and video render (column 10, lines 59 to column 11, line 10).

Regarding claim 19, Mimura further teaches a DVD device driver; and a DVD drive, wherein the file reader accesses the DVD through the DVD device driver and DVD drive (Fig. 1).

4. Claims 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura in view of Mincer and Kolluru et al (6,122,619) as applied to claims 17 and 25 above, further in view of Baumgartner et al (5,642,171).

Regarding claims 18 and 33, Mimura does not disclose a sound card; an audio driver; a video graphics adapter; and a video driver.

Baumgartner et al teaches a sound card; an audio driver; a video graphics adapter; and a video driver (col. 1, lines 31-53 and col. 10, lines 40-64).

It would have been highly desirable to have a sound card; an audio driver; a video graphics adapter; and a video driver so that a DVD could be reproduced using a personal computer.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a sound card; an audio driver; a video

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graphics adapter; and a video driver in the apparatus of Mimura thereby enhancing the capacity Mimura apparatus .

Response to Arguments

5. Applicant's arguments filed 01 February 2007 have been fully considered but they are not persuasive.

In Remark , Applicant argues that "Independent claims 1 and 25 also each recite a reprogrammable proxy filter converting component data streams into at least one renderable audio signal and at least two renderable video signals (e.g., sub-picture and video), and adapted to programmably operate on video data coded according to any one of a plurality of video data coding standards and separately on audio data coded according to any one of a plurality of audio data coding standards. Similarly, amended independent claim 20 recites an audio filter adapted to programmably operate on audio data coded according to any one of a plurality of audio data coding standards and a video filter adapted to programmably operate on video data coded according to any one of a plurality of video data coding standards separately of an audio data coding standard currently employed by the audio filter. The proxy filter 328 in the exemplary embodiment is "reprogrammable" to accommodate any combination of any one of MPEG-1, MPEG-2 and MPEG-4 video data with any one of AC-3, MPEG or PCM audio data. Such a feature is not found in the cited references. In response it is noted that applicant 's argument does not reflect the claims since nowhere claims do they recite "a proxy filter that is reprogrammable to accommodate

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any combination of any one of MPEFG-1, MPEG-2 and MPEG -3 video data with any one of AC-3, MPEG or PCM audio data " as argued by applicant.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HUY NGUYEN
PRIMARY EXAMINER